

Application No. 10/766,541
Amendment dated June 21, 2005
Reply to Office Action of May 6, 2005

REMARKS/ARGUMENTS

Applicant has amended claims 2 - 4 to remove reference to the term "sheeting", replacing this with "membrane", as suggested by the Examiner.

Applicant also would like to bring to the attention of the Examiner a co-pending application, U.S. Patent Application Serial No.10/700,413, entitled Seam Tape Applicator, filed November 4, 2003. This application discloses a device that is simply intended to apply seam tape, but does not apply and slit seam tape and membrane sheeting at the same time. Accordingly, it is not believed to be relevant. This is being brought to the attention of the Examiner merely out of an abundance of caution.

The remaining objection to claims 1 -2 is based on 35 USC § 102 as being anticipated by Liebmann U.S. patent 6,212,683.

Applicants maintain that the language in claims 1, "a sheet of membrane adapted for use as one of a roofing membrane and a pond liner" should be considered a claim limitation. This is simply functional language. Those skilled in the art would be well aware that this is intended as a limitation. They would also understand the limitation.

As an example, the Liebmann patent discloses basically a plastic bib for use in a dental office. This material is an extremely thin, lightweight, material that would not be adapted for use as a roofing membrane under any circumstances. Roofing membranes are thick materials because they must be able to withstand not only the environment, such as high, uplifting winds, rain, hail and high temperatures, as well as sunlight, they also must be able to withstand foot traffic. Therefore, they are thick materials of strong plastic such

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as EPDM or polyvinylchloride, as well as other polymers. These are all specially formulated for roofing applications. For that reason, applicants would suggest that this language is a limitation of the claim and should be considered as such.

Applicants have further proposed an amendment to the claim to further distinguish it over the Liebmann reference, and, applicant believes this should place claim 1 in condition for allowance. Applicants have indicated that the method calls for cutting along a central portion of said seam tape to form two sheets, each sheet having a continuous portion of said seam tape along one edge. This is required in order to properly form a sheet of membrane roofing. The seam tape must be continuous along the entire edge of the sheet. If the seam tape was not cut along the central portion of the seam tape, one would not achieve two sheets of membrane roofing or pond liner material. The seam tape must be continuous or it would not function properly.

The Liebmann reference, of course, does not disclose cutting through seam tape along a central portion of the seam tape. Nor does it disclose leaving a continuous section of seam tape on edges of both sheets. Rather, it discloses cutting out a little crescent that extends from a bottom edge of the protective plastic.

Further, the Liebmann reference should not be combined in an obviousness rejection because the Liebmann reference is dealing with an extremely thin plastic. There is no problem aligning the tape with the edge of the sheeting product. In fact, the Liebmann patent does not even show the tape aligned with the edge of the product. There is a small gap created, at least along the one side where a continuous strip of tape is

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applied. In manufacturing such material, alignment is very easily accomplished. Applicants have problems with aligning the seam tape with the membrane roofing because they are dealing with membrane roofing that is very thick and relatively difficult to handle. The seam tape is applied manually (although the claims are not limited to manual application). Getting the seam tape precisely on the edge of the product is a problem. This problem is resolved by the present invention, which provides the seam tape precisely at the edge manually.

A second reason that the Liebmann patent should not be used in an obviousness rejection is the fact that it is dealing with, basically, a plastic bib for use in a dental office. No one skilled in the art would look to plastic bib making to learn how to make membrane roofing. And, of course, the end product simply does not provide a continuous strip of pressure sensitive adhesive precisely along the edge of the sheeting.

In light of all of the above, applicants would request reconsideration of the outstanding Office Action and allowance of the same.

Respectfully submitted,

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